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ACTION IO-00

INFO	LOG-00	AF-00	AID-00	AMAD-00	EVG-00	CIAE-00	DODE-00
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OIC-02	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00	
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-----E36872 241926Z /38

R 241927Z APR 01
FM USMISSION GENEVA
TO SECSTATE WASHDC 0999
INFO HUMAN RIGHTS COMMISSION COLLECTIVE

UNCLAS SECTION 01 OF 06 GENEVA 001726

FOR IO/SHA AND DRL/MLA

E.O. 12958: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

1. THIS IS CHR DELEGATION CABLE 110.
2. ON APRIL 23, THE COMMISSION COMPLETED CONSIDERATION OF AGENDA ITEM 10 (ECONOMIC, SOCIAL AND CULTURAL RIGHTS) AND BEGAN CONSIDERATION OF AGENDA ITEM 11 (CIVIL AND POLITICAL RIGHTS). THE COMMISSION ADOPTED TWENTY TEXTS, INCLUDING SEVEN BY VOTE. PARAGRAPH VOTES WERE ALSO TAKEN ON TWO OF THE
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RESOLUTIONS, BEFORE THE OVERALL TEXTS WERE ADOPTED BY
CONSENSUS.

AGENDA ITEM 10 - ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

--L.45 HUMAN RIGHTS AND EXTREME POVERTY (FRANCE)

ADOPTED WITHOUT A VOTE. SEE CHR 2000/12 (FRANCE), ADOPTED
WITHOUT A VOTE.

--L.48 GLOBALIZATION (PAKISTAN)

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ADOPTED BY A VOTE OF 37-15(US)-1. U.S. CALLED FOR THE VOTE
AND GAVE EOV BEFORE THE VOTE.

--L.50 ACCESS TO MEDICATION IN THE CONTEXT OF PANDEMICS SUCH
AS HIV/AIDS (BRAZIL) (NEW)

ADOPTED BY A VOTE OF 52-0-1(US). U.S. GAVE EOV BEFORE THE
VOTE.

--L.53 WOMEN'S EQUAL OWNERSHIP OF, ACCESS TO AND CONTROL
OVER LAND AND THE EQUAL RIGHTS TO OWN PROPERTY AND TO
ADEQUATE HOUSING (MEXICO)

ADOPTED WITHOUT A VOTE. U.S. CALL FOR A VOTE ON OP5 AND WAS
REJECTED BY A VOTE OF 49-1(US)-3. SEE CHR 2000/13 (MEXICO),
ACCEPTED WITHOUT A VOTE.

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--L.54 ADVERSE EFFECTS OF THE ILLICIT MOVEMENT AND DUMPING
OF TOXIC AND DANGEROUS PRODUCTS AND WASTES ON THE ENJOYMENT
OF HUMAN RIGHTS (KENYA)

ADOPTED BY A VOTE OF 38-15(US). TEXT EXTENDED MANDATE OF
SPECIAL RAPPORTEUR BY THREE YEARS. SEE CHR 2000/72 (AF
COORDINATOR) ADOPTED BY VOTE 37-16(US).

--L.37 THE SOCIAL FORUM - SUB-COMMISSION DRAFT DECISION 2
(NORWAY)

NORWEGIAN AMENDMENT ADOPTED WITHOUT A VOTE.

--L.43 PROMOTION OF THE REALIZATION OF THE RIGHT TO DRINKING
WATER AND SANITATION - SUB-COMMISSION DRAFT DECISION 3
(NORWAY)

NORWEGIAN AMENDMENT ADOPTED WITHOUT A VOTE.

AGENDA ITEM 11 - CIVIL AND POLITICAL RIGHTS

--L.8/REV.1 CIVIL AND POLITICAL RIGHTS: STRENGTHENING OF
POPULAR PARTICIPATION, EQUITY, SOCIAL JUSTICE AND
NON-DISCRIMINATION AS ESSENTIAL FOUNDATIONS OF DEMOCRACY.

ADOPTED BY A VOTE OF 28-4(US)-21. CUBAN PROPOSAL OF A
SUB-AMENDMENT TO THE EU AMENDMENTS CHANGING "AFFIRMS" TO

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"NOTES" WAS ADOPTED BY A VOTE OF 24-17(US)-12.

--L/34 HUMAN RIGHTS AND TERRORISM (ALGERIA)

ADOPTED BY A VOTE OF 33-14(US)-6 (NO WESTERN CO-SPONSORS).
SEE CHR 200/30, ADOPTED BY VOTE 27-13-12.

--L/35 HOSTAGE-TAKING (RUSSIA)

ADOPTED WITHOUT A VOTE. SEE CHR 2000/29.

--L/38 INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY,
JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS (HUNGARY)

ADOPTED WITHOUT A VOTE. USDEL CO-SPONSORED. SEE CHR 2000/42.

--L/40 THE RIGHT TO RESTITUTION, COMPENSATION AND
REHABILITATION FOR VICTIMS OF GRAVE VIOLATIONS OF HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS (CHILE)

ADOPTED WITHOUT A VOTE. SEE CHR 2000/41.

--L/44 QUESTION OF ARBITRARY DETENTION (FRANCE)

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	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00
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UNCLAS SECTION 02 OF 06 GENEVA 001726

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E.O. 12958: N/A
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SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

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ADOPTED WITHOUT A VOTE. SEE CHR 2000/36.

--L.46 CONTINUING DIALOGUE ON MEASURES TO PROMOTE AND CONSOLIDATE DEMOCRACY

ADOPTED BY A VOTE OF 44(US)-0-9. (CUBAN AMENDMENT L.66 WAS WITHDRAWN; OP 5 WAS RETAINED BY A VOTE OF 37(US)-8-8.)

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--L.49 IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (IRELAND)

ADOPTED WITHOUT A VOTE. USDEL CO-SPONSORED.

--L.51 THE INCOMPATIBILITY BETWEEN DEMOCRACY AND RACISM (BRAZIL)

ADOPTED WITHOUT A VOTE. USDEL CO-SPONSORED.

--L.52 DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (COSTA RICA)

ADOPTED WITHOUT A VOTE. USDEL CO-SPONSORED.

--L.55 EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS (SWEDEN)

ADOPTED WITHOUT A VOTE. U.S. CHANGE ADOPTED FOR OP8 ("OBLIGATIONS ASSUMED UNDER"). USDEL GAVE EOP AT END OF THE AGENDA ITEM.

--L.57 QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

ADOPTED WITHOUT A VOTE. U.S. AMENDMENT TO DELETE OP12 (ESTABLISHMENT OF A WORKING GROUP) WAS REJECTED BY A VOTE OF 4(U.S., INDIA, JAPAN AND MALAYSIA)-34-15; U.S. AMENDMENT TO OP11 (DELETING REFERRAL OF THE REPORT OF THE INDEPENDENT

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EXPERT TO THE WORKING GROUP) WAS REJECTED BY A VOTE OF 5(U.S., CANADA, INDIA, JAPAN AND KENYA)-37-11.

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--L.56 THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION
(CANADA)

CANADIAN AMENDMENT TO PP1 AS SUB-AMENDED BY CUBA ADOPTED WITHOUT A VOTE; CUBAN AMENDMENTS TO WITHDRAW PARAGRAPHS PP 3, 4, 10 AND OP2, 14, AND 16(A) FAILED BY A VOTE OF 43(U.S.)-3-7. FOLLOWING ADOPTION OF THE CUBAN AMENDMENT, USDEL WITHDREW CO-SPONSORSHIP. RESOLUTION WAS VOTED AND ADOPTED BY A 44(US)-0-8. USDEL GAVE EOF.

3. THE FOLLOWING EXPLANATIONS OF VOTE AND EXPLANATIONS OF POSITION WERE DELIVERED BY THE U.S. DELEGATION DURING THE CONSIDERATION OF AGENDA ITEMS 10 AND 11.

BEGIN TEXT.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF VOTE
L.48, GLOBALIZATION AND HUMAN RIGHTS

AMBASSADOR GEORGE MOOSE
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOF: L. 48, GLOBALIZATION AND HUMAN RIGHTS
APRIL 23, 2001

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MR. CHAIRMAN:

THE UNITED STATES DOES NOT ACCEPT THE PREMISE THAT THE NET EFFECT WORLD-WIDE OF THE MANY PHENOMENA GROUPED UNDER THE TERM "GLOBALIZATION" HAS BEEN AN INCREASE IN POVERTY, NOR THAT GLOBALIZATION HAS HAD A BROAD NEGATIVE IMPACT ON THE ENJOYMENT OF HUMAN RIGHTS. IN ITS NON-ECONOMIC ASPECTS, THE VASTLY INCREASED INFORMATION FLOWS FACILITATED BY GLOBALIZATION HAVE ALLOWED A MUCH BRIGHTER LIGHT TO BE FOCUSED ON HUMAN RIGHTS ABUSES AROUND THE WORLD, BRINGING GREATER INTERNATIONAL ATTENTION THAN EVER BEFORE.

AS FOR GLOBALIZATION'S ECONOMIC ASPECTS, THE PAST THREE DECADES HAVE SEEN MORE PEOPLE RISE OUT OF ABSOLUTE POVERTY THAN IN ANY COMPARABLE PERIOD IN THE WORLD'S HISTORY. THE COUNTRIES THAT HAVE SUCCEEDED BEST AT HELPING THEIR CITIZENS ESCAPE FROM POVERTY HAVE BEEN THOSE WITH EFFECTIVE GOVERNMENTS THAT LARGELY EMBRACED FREER MARKETS, FREER TRADE, AND TECHNOLOGICAL CHANGE.

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IT IS CERTAINLY TRUE THAT GLOBALIZATION EMBODIES CHANGE, THAT
CHANGE PRESENTS CHALLENGE TO ANY SOCIETY, AND THAT AMONG
THESE CHALLENGES IS THE PROBLEM OF HELPING THOSE WHO MAY FIND
IT DIFFICULT TO ADAPT FOR WHATEVER REASON. NATIONAL POLICIES

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	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00
	TEST-00	TRSE-00	USIE-00	SA-00	PRM-01	DRL-02	G-00
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PROMOTING PARTICIPATION IN GLOBALIZATION'S OPPORTUNITIES AND
PROVIDING SAFETY NETS FOR THOSE WHO MAY BE ADVERSELY AFFECTED
ARE VITAL IN THIS REGARD.

THE LESSONS OF RECENT DECADES ARE CLEAR, HOWEVER. THE
DEVELOPING COUNTRIES WITH THE FASTEST GROWTH RATES FOR
EXTENDED PERIODS HAVE BEEN THOSE THAT ARE MOST INTEGRATED IN
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THE WORLD ECONOMY, AND THE MOST INVOLVED IN THE PROCESS OF
GLOBALIZATION. FAILURE TO TAKE ADVANTAGE OF NEW
OPPORTUNITIES, EVEN WHERE THESE ARE ACCCOMPANIED BY
CHALLENGES, WILL CONDEMN POPULATIONS TO FURTHER ECONOMIC
MARGINALIZATION AND STAGNATION.

THIS REALITY IS NOT REFLECTED IN THE CURRENT DRAFT. FOR

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THESE REASONS, AMONG OTHERS, THE U.S. OPPOSES THIS RESOLUTION.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS

EXPLANATION OF VOTE

L.50, ACCESS TO MEDICATIN IN THE CONTEXT OF
PANDEMICS SUCH AS HIV/AIDS

AMBASSADOR GEORGE MOOSE

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS

EOV: L.50

ACCESS TO MEDICATION IN THE CONTEXT OF PANDEMICS SUCH AS
HIV/AIDS

MR. CHAIRMAN:

THE UNITED STATES IS STRONGLY COMMITTED TO ADDRESSING THE AIDS PANDEMIC INTERNATIONALLY, INCLUDING ACCESS TO TREATMENT AND CARE. FOR THAT REASON, WE WORKED HARD WITH BRAZIL AND OTHER DELEGATIONS TO TRY TO COME TO AGREEMENT ON AN

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ACCEPTABLE TEXT. WE CERTAINLY UNDERSTAND AND APPRECIATE THE SENTIMENTS THAT HAVE MOTIVATED THIS INITIATIVE. WE VERY MUCH REGRET, HOWEVER, THAT, DESPITE EXTENSIVE DIALOGUE REGARDING THIS VERY COMPLEX ISSUE, WE ARE UNABLE TO JOIN CONSENSUS ON THIS TEXT.

FROM THE PERSPECTIVE OF GOOD PUBLIC HEALTH PRACTICE, WE BELIEVE THAT THIS RESOLUTION IS FLAWED IN A NUMBER OF WAYS. AS WRITTEN THE RESOLUTION WOULD LIMIT THE RIGHTS OF STATES TO SET PRIORITIES WITHIN THEIR NATIONAL POLICIES AND STRATEGIES FOR DEALING WITH SUCH PANDEMICS. WE BELIEVE THAT STATES MUST HAVE THE LATITUDE TO DEVELOP BALANCED STRATEGIES THAT INCLUDE PREVENTION, COUNSELING AND RELATED SUPPORT SERVICES, AS WELL AS CARE, INCLUDING ACCESS TO DRUGS.

WE NOTE THAT UNAIDS - THE UN'S UMBRELLA ORGANIZATION FOR RESPONDING TO THE HIV/AIDS CRISIS - WAS ESTABLISHED TO DE-MEDICALIZE HIV/AIDS AND TO FOCUS ON THE NEED FOR A MULTI-DIMENSIONAL APPROACH TO THIS PANDEMIC. IT IS CLEAR THAT AN OVER-EMPHASIS ON USE OF PHARMACEUTICALS, NO MATTER HOW WELL INTENTIONED, DETRACTS FROM THE MORE FUNDAMENTAL NEED FOR PRIMARY PREVENTION.

HIV/AIDS IS A HORRIBLE DISEASE. ONCE STARTED, MEDICINES MUST

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BE USED CONSISTENTLY DAY AFTER DAY UNCLASSIFIED REST OF A PATIENT'S LIFE. IF STOPPED, WHEN THE PATIENT FEELS BETTER, THE DISEASE RETURNS VERY STRONGLY. THEREFORE, FOR TREATMENT TO BE EFFECTIVE, IT IS ESSENTIAL THAT STATES PUT IN PLACE THE INFRASTRUCTURE TO ENSURE THAT ANTI-RETROVIRALS ARE USED APPROPRIATELY.

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THE RESOLUTION CALLS INTO QUESTION THE LEGITIMATE RESPONSIBILITY OF NATIONAL GOVERNMENTS TO ASSURE THE EFFECTIVENESS AND SAFETY OF PHARMACEUTICAL PRODUCTS FOR USE IN PANDEMICS. FURTHER, IT APPEARS TO QUESTION THE VALIDITY OF INTERNATIONALLY AGREED PROTECTIONS OF INTELLECTUAL PROPERTY RIGHTS. IN SO DOING, IT COULD WELL HAVE THE UNINTENDED CONSEQUENCE OF DISCOURAGING INVESTMENT IN THE IMPORTANT RESEARCH DESPERATELY NEEDED TO FIND THE CURES OF THE FUTURE. NOR DOES THIS RESOLUTION CONSIDER THE POTENTIAL FOR OTHER UNINTENDED CONSEQUENCES, INCLUDING THE EMERGENCE OF MORE VIGOROUS AND DRUG RESISTANT FORMS OF THE HIV VIRUS. SIMPLY PUT, THIS IS BAD PUBLIC HEALTH POLICY.

THIS RESOLUTION IS, IN ESSENCE, A FLAWED HEALTH DOCUMENT, NOT A HUMAN RIGHTS DOCUMENT. COMPLEX HEALTH MATTERS ARE BEST DEALT WITH BY THE UN ORGANIZATION THAT HAS THE TECHNICAL COMPETENCE IN THOSE MATTERS -- THE WORLD HEALTH ORGANIZATION.

THE 191 MEMBER STATES THAT COMprise THE WORLD HEALTH ASSEMBLY WILL BE MEETING HERE IN GENEVA IN THREE WEEKS TIME, AND BOTH HIV/AIDS AND WHO'S REVISED DRUG STRATEGY WILL BE ON THE AGENDA. THAT IS THE MOST APPROPRIATE VENUE FOR HEALTH MATTERS.

MY GOVERNMENT IS ALSO CONCERNED BY REFERENCES WHICH APPEAR TO

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FOR IO/SHA AND DRL/MLA

E.O. 12958: N/A
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SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

BE AIMED AT CREATING A NEW CATEGORY OF RIGHTS, SUCH AS THE REFERENCE TO THE RIGHT TO THE "HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH." THE UNITED STATES DOES NOT SUPPORT THE CREATION OF LEGALLY ENFORCEABLE ENTITLEMENTS OR THE ESTABLISHMENT OF JUDICIAL OR ADMINISTRATIVE REMEDIES AT THE NATIONAL OR INTERNATIONAL LEVELS TO ADJUDICATE SUCH PRESUMED RIGHTS.

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THE U.S. GOVERNMENT IS THE WORLD'S LEADING PROVIDER OF INTERNATIONAL ASSISTANCE FOR THE PURPOSE OF PROVIDING THAT PEOPLE LIVING WITH HIV/AIDS RECEIVE TREATMENT AND CARE, INCLUDING PHARMACEUTICALS. WE HAVE PLAYED A LEADING ROLE IN THE DEVELOPMENT OF INTERNATIONAL STRATEGIES TO COMBAT THE SCOURGE OF THIS DISEASE. WE CANNOT, HOWEVER, SUPPORT A FLAWED RESOLUTION WHOSE UNINTENDED CONSEQUENCES COULD PROVE EXTREMELY HARMFUL TO OUR COLLECTIVE EFFORTS.

FOR THESE REASONS, AND OTHERS, MY DELEGATION WILL ABSTAIN IN THE VOTE ON THIS RESOLUTION.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF POSITION
L.53, WOMEN'S EQUAL OWNERSHIP OF, ACCESS TO AND
CONTROL OVER LAND

AMBASSADOR GEORGE MOOSE
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOP: L.53, WOMEN'S EQUAL OWNERSHIP OF, ACCESS TO AND CONTROL
OVER LAND
APRIL 23, 2001

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MR. CHAIRMAN:

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THE UNITED STATES REGRETS THAT IT IS FORCED TO CALL FOR A
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VOTE ON OP 5 OF RESOLUTION L. 53. IT IS CLEAR THAT OUR MODEST, TECHNICAL AMENDMENT DOES NOT HAVE THE SUPPORT OF THE MEMBERS OF THE COMMISSION. WE REGRET THAT. WE THINK IT IS A MISTAKE FOR THIS BODY, OR ANY U.N. BODY, TO ENGAGE IN THE PRACTICE OF REWRITING THE HISTORICAL RECORD.

THAT SAID, GIVEN THE OPPOSITION TO OUR AMENDMENT, WE HEREBY WITHDRAW IT. HOWEVER, UNDER THE CIRCUMSTANCES, WE FEEL OBLIGED TO REQUEST A VOTE ON OP 5. ONCE AGAIN, WITH RESPECT TO OP 5, COMMISSION ON THE STATUS OF WOMEN RESOLUTION 42-1 -- REAFFIRMED IN THIS PARAGRAPH - INCLUDES NO MENTION OF THE RIGHT TO ADEQUATE HOUSING.

FURTHERMORE, THE REFERENCE TO THE RIGHT OF ADEQUATE HOUSING IS A MISSTATEMENT OF INTERNATIONAL HUMAN RIGHTS LAW. WE HAVE SOUGHT IN NEGOTIATIONS BEFORE TODAY TO AMEND THIS RESOLUTION TO MAKE IT CONSISTENT WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, AS WELL AS WITH THE HUMAN RIGHTS AND HOUSING RESOLUTION ALSO BEING ADOPTED UNDER THIS AGENDA ITEM. WE STRONGLY SUPPORT, MOREOVER, THE PROPOSITION THAT WOMEN'S RIGHTS IN THE AREA OF HOUSING SHOULD BE EQUAL TO THOSE OF MEN.

THIS, HOWEVER, CANNOT BE ACHIEVED THROUGH MISSTATEMENT OF ACCEPTED INTERNATIONAL PRINCIPLES OR INCORRECT CITATIONS OF RESOLUTIONS ADOPTED BY OTHER BODIES. IT IS FOR THESE REASONS THAT WE ARE UNABLE TO CO-SPONSOR THIS RESOLUTION.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
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EXPLANATION OF VOTE
L.34, HUMAN RIGHTS AND TERRORISM

AMBASSADOR GEORGE MOOSE
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOV: L.34, HUMAN RIGHTS AND TERRORISM
APRIL 23, 2001

MR. CHAIRMAN:

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RECENT EVENTS HAVE SHOWN THAT TERRORISM CONTINUES TO POSE CLEAR AND PRESENT DANGER TO THE INTERNATIONAL COMMUNITY. THE ATTACK ON THE U.S.S. COLE AND THE RASH OF TERRORIST ATTACKS AROUND THE WORLD ARE ONLY THE LATEST IN A SERIES OF EVENTS THAT DEMONSTRATE CLEARLY THAT TERRORISTS HAVE NO RESPECT FOR HUMAN LIFE. THE UNITED STATES HAS A STRONG AND ABIDING COMMITMENT TO COMBATING TERRORISM, WHICH INCLUDES COOPERATING WITH THE APPROPRIATE MECHANISMS ESTABLISHED BY THE INTERNATIONAL COMMUNITY.

WE REGRET, THEREFORE, THAT WE ARE OBLIGED TO VOTE AGAINST THIS RESOLUTION. OUR REASON IS THAT THE SPONSORS HAVE INCLUDED LANGUAGE THAT GRANTS TERRORISTS AND TERRORIST

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SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

ORGANIZATIONS A MEASURE OF LEGITIMACY BY EQUATING THEIR CONDUCT WITH THAT OF STATES. WE BELIEVE THAT THE BASIC FUNCTION OF THE COMMISSION IS TO SET HUMAN RIGHTS STANDARDS THAT ARE BINDING UPON STATES AND TO REVIEW STATES' COMPLIANCE WITH THOSE STANDARDS. TERRORISTS ARE NOT STATE ACTORS, BUT CRIMINALS WHO BEAR INDIVIDUAL CRIMINAL RESPONSIBILITY FOR THEIR ACTIONS. THE PERPETUATION OF THIS UNFORTUNATE

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CONFUSION ADDS NOTHING TO THE ABILITY, OR THE OBLIGATION, OF MEMBER STATES TO COOPERATE IN THE EFFORT TO COMBAT TERRORISM.

FOR THIS REASON, THE UNITED STATES BELIEVES THAT THE SUBJECT OF TERRORISM IS BEST ADDRESSED IN OTHER FORA, SUCH AS THE SIXTH COMMITTEE OF THE U.N. GENERAL ASSEMBLY.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF POSITION

L.47, TORTURE AND OTHER CRUEL, UNHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT

AMBASSADOR SHIRIN TAHIR-KHELI

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOP: L.47, TORTURE AND OTHER CRUEL, UNHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT

APRIL 23, 2001

MR. CHAIRMAN:

THE COMMITMENT OF THE UNITED STATES TO THE GOALS OF THIS RESOLUTION REMAIN AS STRONG AS EVER, AND WE ARE GRATEFUL TO DENMARK FOR THE LEADERSHIP IT HAS SHOWN ON THIS ISSUE.

WHILE WE REMAIN CONCERNED ABOUT THIS ASPECT OF TORTURE, WE BELIEVE THAT IT IS UNREASONABLE TO CALL FOR LEGISLATIVE

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MEASURES TO PREVENT THE PRODUCTION OF THESE DEVICES WHEN THERE ARE CLEARLY MANY PROBLEMS DEFINING PRECISELY WHAT THESE DEVICES ARE.

THUS, WE HAVE WITHDRAWN OUR CO-SPONSORSHIP OF L.47 FOR ONE REASON ONLY: WE OPPOSE THE INCLUSION IN OP 8 OF THE REFERENCE TO THE PRODUCTION OF TORTURE DEVICES.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF POSITION

L.56, FREEDOM OF OPINION AND EXPRESSION

UNCLASSIFIED

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STEVEN SOLOMON
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOP:L.56, FREEDOM OF OPINION AND EXPRESSION
APRIL 23, 2001

MR. CHAIRMAN:

IT IS WITH REGRET THAT WE WITHDRAW OUR COSPONSORSHIP FROM L.56, THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION. THE ACCEPTANCE OF THE AMENDMENT WHICH REFERS TO ARTICLE 4 OF THE CONVENTION ON THE ELIMINATION OF RACIAL DISCRIMINATION CAUSES US TO DO SO.

WE OBJECT IN PRINCIPLE TO THE LANGUAGE TO THE EXTENT IT PURPORTS TO BIND STATES TO TREATY PROVISIONS WHETHER OR NOT

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THEY HAVE BEEN ACCEPTED BY A PARTICULAR STATE.

LET US ALSO ADD THAT THE CONSTITUTION AND LAWS OF THE UNITED STATES CONTAIN EXTENSIVE PROTECTIONS OF INDIVIDUAL FREEDOM OF SPEECH, EXPRESSION AND ASSOCIATION. AS THE UNITED STATES MADE CLEAR UPON ITS RATIFICATION OF THE CONVENTION, THE UNITED STATES DOES NOT ACCEPT ANY OBLIGATION UNDER THIS CONVENTION, IN PARTICULAR UNDER ARTICLE 4, TO RESTRICT THOSE RIGHTS, THROUGH THE ADOPTION OF LEGISLATION OR ANY OTHER MEASURES, TO THE EXTENT THAT THEY ARE PROTECTED BY THE CONSTITUTION AND LAWS OF THE UNITED STATES.

OUR COMMITMENT TO THE GOALS OF THIS RESOLUTION AS TABLED BY CANADA REMAINS AS STRONG AS EVER.

WE WOULD ALSO LIKE TO RESTATE OUR GRATITUDE TO CANADA FOR ITS EFFORTS ON AND COMMITMENT TO THIS ISSUE.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF POSITION
L. 57, ENFORCED OR INVOLUNTARY DISAPPEARANCES

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ACTION IO-00

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INFO	LOG-00	AF-00	AID-00	AMAD-00	EVG-00	CIAE-00	DODE-00
	WHA-00	SRPP-00	EAP-00	EB-00	EUR-00	UTED-00	H-01
	TEDE-00	INR-00	L-00	NEA-00	DCP-01	NSAE-00	NSCE-00
	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00
	TEST-00	TRSE-00	USIE-00	SA-00	PRM-01	DRL-02	G-00
	SAS-00	SWCI-00		/008W			

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FM USMISSION GENEVA
TO SECSTATE WASHDC 1004
INFO HUMAN RIGHTS COMMISSION COLLECTIVE

UNCLAS SECTION 06 OF 06 GENEVA 001726

FOR IO/SHA AND DRL/MLA

E.O. 12958: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

MICHAEL DENNIS
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOP: L. 57, ENFORCED OR INVOLUNTARY DISAPPEARANCES
APRIL 23, 2001

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MR. CHAIRMAN:

THE UNITED STATES IS PLEASED TO SUPPORT THE RENEWAL IN L.57
OF THE MANDATE OF THE WORKING GROUP ON ENFORCED AND
INVOLUNTARY DISAPPEARANCES AND TO COMMEND THEM ON THEIR
EXCELLENT WORK IN SUPPORT OF THE FAMILIES OF THE DISAPPEARED.

HOWEVER, MR. CHAIRMAN, WE MUST ALSO RESTATE OUR OPPOSITION TO
THE ESTABLISHMENT OF AN INTER-SESSIONAL, OPEN-ENDED WORKING
GROUP AS PROPOSED IN OP 12 OF THE REVISED TEXT IN THE
SEPARATE DOCUMENT. ALTHOUGH WE UNDERSTAND THE MOTIVATIONS
OF THE SUPPORTERS OF THIS IDEA AND THE IMPORTANCE OF
MECHANISMS DESIGNED TO ADDRESS ENFORCED OR INVOLUNTARY
DISAPPEARANCES, IN OUR VIEW THIS WOULD CLEARLY DUPLICATE WORK
NOW BEING HANDLED BY OTHER INTERNATIONAL INSTRUMENTS AND BY
TWO EXISTING TREATY BODIES.

MR. CHAIRMAN, WE NOTE FURTHER THAT THERE IS A BASIC
CONTRADICTION IN THE PROPOSALS CONTAINED IN OP 11 AND OP 12.
OP 11 CALLS FOR THE APPOINTMENT OF AN INDEPENDENT EXPERT TO

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EXAMINE WHETHER THERE EXIST "ANY GAPS" IN THE CURRENT PROTECTIONS WITH REGARD TO ENFORCED OR INVOLUNTARY DISAPPEARANCES. OP 12 WOULD CREATE, SIMULTANEOUSLY, A NEW WORKING GROUP THAT WOULD BEGIN WORK ON A NEW, LEGALLY-BINDING INSTRUMENT EVEN BEFORE KNOWING WHETHER THE STUDY OF THE INDEPENDENT EXPERT REVEALS ANY NEED FOR SUCH AN INSTRUMENT. CLEARLY, THE PROPOSED CREATION OF A WORKING GROUP IS, AT BEST, PREMATURE.

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FOR THIS REASON, MR. CHAIRMAN, WE PROPOSE AN AMENDMENT DELETING OP 12, WHICH WOULD ESTABLISH THE WORKING GROUP.

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ADDITIONALLY, THE U.S. PROPOSES A TECHNICAL AMENDMENT TO OP 11 TO DELETE THE PHRASE IN THE LAST LINE OF THE REVISED TEXT: AND TO THE FIRST SESSION OF THE WORKING GROUP ESTABLISHED UNDER PARAGRAPH 12. THE INDEPENDENT EXPERT SHOULD SUBMIT HIS REPORT TO THE COMMISSION ON HUMAN RIGHTS SO THAT A DECISION CAN BE TAKEN BY THIS BODY ON NEXT STEPS.

TO REPEAT, MR. CHAIRMAN, THE UNITED STATES IS PROPOSING AN AMENDMENT DELETING OP 12 CALLING FOR THE PREMATURE ESTABLISHMENT OF THE WORKING GROUP. SECOND, WE ARE CALLING FOR AN AMENDMENT TO OP 11 TO DELETE THE WORDS: AND TO THE FIRST SESSION OF THE WORKING GROUP ESTABLISHED UNDER PARAGRAPH 12. AGAIN, THE INDEPENDENT EXPERT SHOULD REPORT TO THE COMMISSION.

THANK YOU, MR. CHAIRMAN.

END TEXT.
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<< END OF DOCUMENT >>

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